



Senators Aim to Avert Future Iran-Contra Deals

Key Senate moderates have introduced legislation designed to prevent Iran-contra affairs in the future.

Introduced Sept. 25 by four members of the Senate Intelligence Committee, the bill (S 1721) would close several loopholes in current law that gave the Reagan administration running room to implement secretly its arms sales to Iran and covert support for the contra guerrillas in Nicaragua.

President Reagan already has said he accepts most of the changes included in the bill, but the administration has been reluctant to put them into permanent law.

The bill is the first of what is expected to be a series of proposals emerging from the summer-long hearings of the House and Senate Iran-contra committees. Further proposals may come in late October or early November, when the committees issue a report drawing conclusions from the Iran-contra affair and recommending ways to avoid similar missteps in the future.

Prospects are as yet uncertain for legislative action on the issue this year. David L. Boren, D-Okla., chairman of the Senate Intelligence Committee, said there is a "pretty good chance" that Congress will enact legislation by the end of the year.

But he and others on Capitol Hill said much depends on whether the Iran-contra panels can reach broad agreement on what actions to take. If the committees divide sharply along partisan lines, any legislation to implement changes would face serious political hurdles in the closing weeks of the session.

Intelligence Committee sources said no decision has been made on what form legislation would take, with possibilities ranging from treating it as a free-standing bill to trying to attach it to the upcoming fiscal 1988 governmentwide continuing appropriations resolution. (*Weekly Report* p. 2315)

The importance of S 1721 stems largely from its primary sponsor: William S. Cohen, R-Maine, vice chairman of the Senate Intelligence Com-

mittee and a pivotal member of the Senate Iran-contra panel. During the Iran-contra hearings, Cohen was more critical of the Reagan administration than any other Republican, and he is expected to be the one Republican most willing to sign a strongly worded committee report. Cohen said he hopes the bill will be "a starting place for debate" on the issues of congressional oversight of intelligence issues.

Boren's Reservations

Cohen has yet to get active endorsement of his bill from Boren, who also serves on the Iran-contra committee. The two men have worked closely on intelligence issues, and Boren said he backed the thrust of Cohen's bill. Boren said he objected, on constitutional grounds, to one section that could be interpreted as eliminating all the president's flexibility on telling Congress about covert operations.

Cohen did obtain as cosponsors three fellow members of the Intelligence Committee: Democrats Lloyd Bentsen of Texas and Dennis DeConcini of Arizona, and Republican Frank H. Murkowski of Alaska. (*Background, Weekly Report* p. 1780)

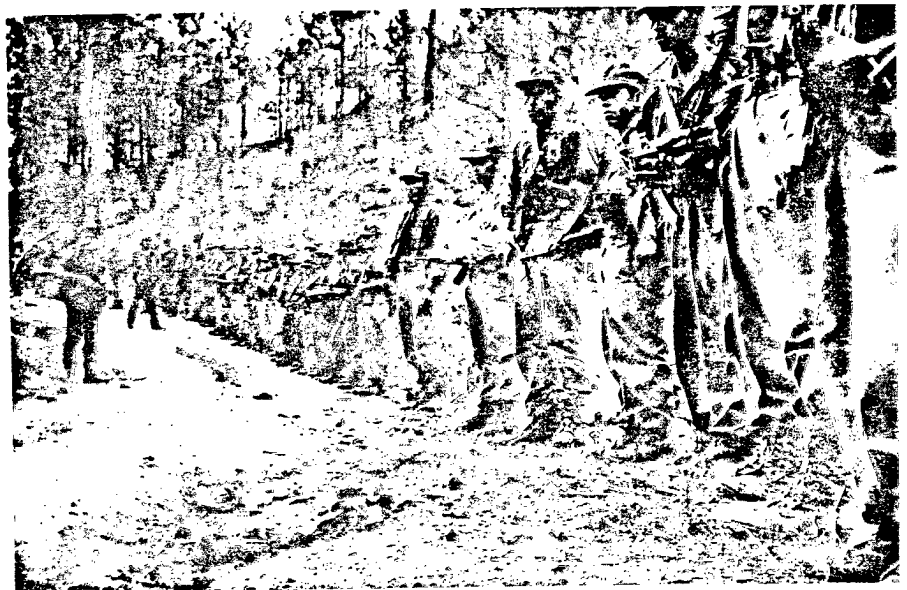
The Cohen bill amounts to a com-

plete revision of several pieces of legislation, enacted since the CIA was created in 1947, that govern covert operations by the CIA and other intelligence agencies.

Much of the bill deals with the controversial issues of when and how the administration must notify Congress about those covert operations. Testimony before the Iran-contra committees showed that the Reagan administration went to great lengths to avoid telling Congress about its arms deals with Iran, even though those deals were part of a covert operation that should have been reported to Congress.

An aide to Cohen said the bill might have prevented some of the mistakes of the Iran-contra affair had it been law at the time. Most importantly, he said, the administration would have been bound legally to tell Congress promptly about its plans to sell arms to Iran and would almost certainly have encountered opposition so stiff that it would have reconsidered.

Instead, Reagan used the ambiguity of current law to justify ordering his aides in January 1986 to withhold information from Congress about the



To launch debate, Sen. William S. Cohen has introduced a bill to restrict the administration's ability to carry out such covert operations as aiding Nicaragua's contras.

—By John Felton

FOREIGN POLICY NOTES

Pakistan Aid Battle Due

Congress this fall almost certainly will put conditions on further U.S. aid to Pakistan — but it is unclear just how tough those conditions will be.

At midnight Sept. 30, Pakistan's six-year-long exemption from U.S. nuclear non-proliferation laws expired, meaning that the Reagan administration cannot legally provide aid to that country. The exemption is needed because a 1976 law (PL 94-329) bars foreign aid to countries that are developing nuclear weapons, and there is strong evidence that Pakistan has a weapons program under way. While the cutoff would have little practical effect for several months, a State Department spokeswoman said it "sends the wrong signal about the continuing U.S. commitment to Pakistan's security."

Congress likely will write a new exemption to permit the start of another six-year \$4 billion aid program for Pakistan, but there will be disputes over what conditions to attach. One option would allow President Reagan to provide aid to Pakistan after January 15, 1988, if he sends Congress an unclassified report describing that country's nuclear-weapons program. Other proposals range from reducing the aid amount to barring any further aid until the president can report that Pakistan has stopped its nuclear-weapons program. (*Weekly Report* p. 1668)

U.S. to Sweeten Israel's Aid

The Reagan administration officially has notified Congress that it is willing to grant sizable economic concessions to Israel in return for Israel's decision to cancel its costly new jet fighter, the Lavi, which the White House opposed. In a Sept. 24 letter to congressional committees, the State Department listed concessions that, taken together, will increase the value to Israel of its \$3 billion in annual U.S. economic and military aid. The United States would let Israel:

- Use U.S. military aid to pay the hundreds of millions of dollars in liability charges resulting from the termination of contracts for the Lavi.
- Continue requiring U.S. contractors to buy up to \$150 million worth of Israeli goods and services in return for selling their products to Israel.
- Increase to \$400 million annually the amount of U.S. military aid that can be spent in Israel. Congress likely will act this fall to put each of those concessions into law. (*Weekly Report* p. 2137)

dealings with Iran. He gave no formal notice until after the arms sales were revealed publicly.

As the Iran-contra committees were concluding their hearings, Reagan Aug. 7 sent Congress a letter promising to keep it better informed about covert operations. Among other things, Reagan said he would tell Congress about all covert operations within 48 hours of approving them.

In the next several weeks Reagan is expected to put his promises into a National Security Decision Directive. But Cohen noted that such a document does not carry the weight of law, "and presidents change."

The Cohen bill would put Reagan's promises into law, along with provisions from executive orders that Reagan had signed earlier in his presidency. Members of the Iran-contra committees have charged that the administration failed to adhere to those

executive orders.

The most important provisions of S 1721 would:

- Require the president to approve covert operations by all U.S. government agencies, not just the CIA. Several aspects of the Iran-contra affair were handled by members of the National Security Council staff, but Reagan never signed orders specifically authorizing those actions.
- Establish five conditions for each presidential order (called a "finding") that authorizes a covert operation: It must be in writing; it cannot give retroactive approval for actions previously taken; it must specify every U.S. agency to be involved; it must specify any third party (including other countries) to be involved; and it may not authorize any action that would be inconsistent with U.S. law.
- Toughen the requirement for the president to notify Congress about co-

vert operations. Under current law, amended in 1980 (PL 96-450), the president must tell Congress about covert operations in advance, but in an emergency he can choose instead to give "timely" notice. Administration lawyers have said the "timely" language gives the president broad discretion to notify Congress whenever he chooses.

The Cohen bill would require the president to notify the congressional Intelligence committees of every covert operation — whether conducted by the CIA or any other government agency — "as soon as possible, but in no event later than 48 hours" after he has approved it.

The bill would eliminate a reference in current law to the president's constitutional authorities as commander in chief of the armed forces. Administration lawyers interpret the current reference as congressional acceptance of the president's right to withhold notice indefinitely. This is where Boren differs with Cohen; the Oklahoman said he wants to retain the reference to the president's authority as commander in chief because Congress "can't override the Constitution."

Cohen said he and Boren differed only on where the "emphasis" should be placed.

"I want to put the emphasis on the need to comply with the provision," Cohen said. "Frankly, I don't want to encourage the invoking [of the president's constitutional authority] by expressing it in the statute itself."

The bill also drops a provision of current law stipulating that notice must be given prior to the initiation of covert actions except in emergency situations. However, an Intelligence Committee aide said the "clear intent" of the bill is that the president notify Congress before starting covert actions and that notification afterward is acceptable only in the most extreme cases.

Under "extraordinary circumstances," the Cohen bill would allow the president to notify only the so-called "gang of eight" members of Congress: the majority and minority leaders of the Senate, the Speaker and minority leader of the House, and the chairmen and ranking members of the two Intelligence committees. But if he limits his notice to those eight members, the president would have to explain to them why he was not confiding in the full Intelligence committees.